

Policy Flash 2022-42 Attachment 1

This attachment summarizes and reiterates existing regulations, policy, procedures and flexibilities available to Contracting Officers (COs) to increase opportunities for new entrants in DOE acquisitions.

COs are reminded of the following existing regulations, policy, procedures and flexibilities as follows:

1. Deviations: Utilize Senior Procurement Executive (SPE) authorities to approve class and individual deviations to the Federal Acquisition Regulation (FAR) and Department of Energy Acquisition Regulation (DEAR). Also utilize SPE authorities to deviate from DOE approved corporate clauses and local clauses.
2. Sole Source Awards: Utilize the available authorities to award contracts non-competitively to small business concerns (SBCs), including 8(a); HUBZone; Women-Owned Small Business Program; and Service-Disabled Veteran-Owned SBCs. Explore use of exceptions to the Competition in Contracting Act, such as industrial capability and Ability One.
3. Expand use of set-asides and partial set-asides for SBCs, focusing on 8(a); HUBZone; Women-Owned Small Business Program; and Service-Disabled Veteran-Owned SBC.
4. Promote the use of mentor/protegee programs.
5. Structure multiple award indefinite delivery-indefinite quantity (IDIQ) awards to include SBCs at the master level and to reserve some task orders.
6. Use a multiple award Blanket Purchase Agreement (BPA) or IDIQ instead of a single award contract. (Combine with item 4).
7. Use an award strategy to consider categories of SBCs for award before awarding to a large business.
8. Include bonus points in evaluation criteria for utilization of historically and economically disadvantaged groups in underserved communities.
9. Focus market research on historically and economically disadvantaged groups in underserved communities. Fully use resources of SBA, OSDBU, Procurement Technical Assistance Center, etc.

10. Structure contracts to ensure contract type (Fixed Price vs Cost Reimbursement), scope and period of performance is suitable for SBCs and historically and economically disadvantaged groups in underserved communities. Use market research to determine best combination.
11. Subcontracting Plans: Set required percentages for SBCs in subcontracting plans. Encourage subcontracting by small businesses primes in larger contracts. Place emphasis on subcontracting goals in incentive fees (Performance Evaluation and Measurement Plans). Include an H contract clause restricting subcontracting to new companies if SBC goals not met or proposed SBCs not being given work.
12. Utilize authorities in FAR Part 26, Other Socioeconomic Programs, and DEAR 926, Other Socioeconomic Programs.
13. Expand use of Diversity Plans and community commitment clauses beyond M&Os.
14. Consider advance payments or use of Automated Standard Application for Payments in SBC awards. Pay SBCs every 15 days and require primes to also do so.